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09/693,790	10/20/2000	Dean F. Jerding	A-6689	8529
5642	7590	10/06/2004	EXAMINER	
SCIENTIFIC-ATLANTA, INC. INTELLECTUAL PROPERTY DEPARTMENT 5030 SUGARLOAF PARKWAY LAWRENCEVILLE, GA 30044			SHANG, ANNAN Q	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/693,790

Applicant(s)

JERDING ET AL.

Examiner

Annan Q Shang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 04-17-01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4-11, 14-21, 24-30, 33-39, 42-54, 56, 59-65 and 67, are rejected under 35 U.S.C. 102(e) as being anticipated by **Dodson et al (6,184,877)**.

As to claim 1, note the **Dodson et al** reference figures 1 and 3, disclose system and method for interactively accessing program information on a television and further disclose an interactive media services client for enabling a user to search for media information, the client device (Set-Top Box, STB 102) comprising:

the claimed "memory for storing data" is met by Memory 110 (fig. 1 and Col. 2, lines 47-52); which stores context-sensitive program information "media information" and a guide arrangement (Col. 3, lines 16-18); and

the claimed "a processor configured to search said media information and to cause a search result related to user input..." is met by Controller (C)108 (Col. 2, lines 55-58), which is responsive to User Input 206 and configured to

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cause search result related to user input to be displayed on TV Display 100 "a display device" (Col. 3, lines 37-49); note that upon a user request via Input Device (UI) 206, an Overlay 200 is displayed (fig.2 and Col. 2, lines 59-64) and C 108 is configured to perform a search format based on the user search criteria, such as: MOVIES, SPORTS, ACTORS, etc., received via Overlay 200 or Overlay 300 (col. 3, lines 8-11) and displays the search result on a new Overlay 400.

As to claim 4, Dodson further discloses where the search result identifies a media title, such as MOVIE, SPORTS, etc., (col. 3, lines 41-49 and col. 4, lines 52-65).

As to claim 5, Dodson further discloses where the search result identifies a source for the MOVIE or the television channel number (col. 3, lines 19-28 and lines 57-67).

As to claim 6, Dodson further discloses where the search result is displayed on TV 100 and is selectable through UI 206 (col. 41-67)

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As to claim 7, Dodson further discloses where the Controller 108 is further responsive to user selection of a media title by causing a media identified by the media title to be displayed on TV 100 (col. 3, lines 41-49).

As to claim 8, Dodson further discloses where the display device is TV 100 "a television" (col. 2, lines 47-64).

As to claim 9, Dodson further discloses where the STB 102 is couple to PG-Database Server of a Cable Company "a programmable media services server device." (col. 3, lines 12-22).

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As to claim 10, Dodson further discloses where the User Input 206 is a remote control device (col. 2, lines 52-55).

As to claim 11, note the Dodson et al reference figures 1 and 3, disclose system and method for interactively accessing program information on a television and further disclose an interactive media services client for enabling a user to search for media information, the client device (Set-Top Box, STB 102) comprising:

the claimed "means for storing data" is met by Memory 110 (fig. 1 and col. 2, lines 47-52); which stores context-sensitive program information "media information" and a guide arrangement (col. 3, lines 16-18); and the claimed "a processing means configured to said media information and to cause a search result related to user input..." is met by Controller (C)108 (col. 2, lines 55-58), which is responsive to User Input (UI) 206 and configured to cause search result related to user input to be displayed on TV Display 100 "a display device" (col. 3, lines 37-49); note that upon a user request via UI 206, an Overlay 200 is displayed (fig.2 and col. 2, lines 59-64) and C 108 is configured to perform a search format based on the user search criteria, such as: MOVIES, SPORTS, ACTORS, etc., received via Overlay 200 or Overlay 300 (col. 3, lines 8-11) and displays the search result on a new Overlay 400.

Claim 14 is met as previously discussed with respect to claim 6.

Claim 15 is met as previously discussed with respect to claim 5.

Claim 16 is met as previously discussed with respect to claim 7.

Claim 17 is met as previously discussed with respect to claim 7.

Claim 18 is met as previously discussed with respect to claim 8.

Claim 19 is met as previously discussed with respect to claim 9.

Claim 20 is met as previously discussed with respect to claim 10.

As to claim 21, note the **Dodson et al** reference figures 1 and 3, disclose system and method for interactively accessing program information on a television and further disclose a programmable media services server device (Program Guide Database Server at Cable Company, col. 3, lines 13-19) for providing media services to a user via an interactive media services client device (Set-Top Box, STB 102), the server device comprising:

the claimed "memory for storing data" is met by Program Guide (PG) Database (col. 3, lines 13-19); which stores context-sensitive program information "media information" and a guide arrangement in PG-Database (fig. 1 and col.3, lines 16-18); and inherently includes "a processor..." configured to receive via Internet communication interface 106, and responsive User Input 206 and configured to cause search result related to user input to be displayed on TV Display 100 of STB 102 "interactive media services client device," (col. 3, lines 37-49); note that upon a user request via Input Device 206, an Overlay 200 is displayed (fig. 2 and col. 2, lines 59-64) and C 108 is configured to perform a search format based on the user search criteria, such as: MOVIES, SPORTS, ACTORS, etc., received via Overlay 200 or Overlay 300 (col. 3, lines 8-11) and displays the search result on a new Overlay 400, where the search is performed locally if the current PG is maintained at the STB 102 or

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communicated via a communication medium and directly accessed at the Cable Company.

Claim 24 is met as previously discussed with respect to claim 4.

Claim 25 is met as previously discussed with respect to claim 5.

Claim 26 is met as previously discussed with respect to claim 6.

Claim 27 is met as previously discussed with respect to claim 7.

Claim 28 is met as previously discussed with respect to claim 8.

Claim 29 is met as previously discussed with respect to claim 10.

As to claim 30, note the **Dodson et al** reference figures 1 and 3, disclose system and method for interactively accessing program information on a television and further disclose a programmable media services server device (Program Guide Database Server at Cable Company, col. 3, lines 13-19) for providing media services to a user via an interactive media services client device (Set-Top Box, STB 102), the server device comprising:

the claimed "means for storing data" is met by Program Guide (PG) Database (col. 3, lines 13-19); which stores context-sensitive program information "media information" and a guide arrangement in PG-Database (fig. 1 and col. 3, lines 16-18); and inherently includes "a processor..." configured to receive via Internet communication interface 106, User input via Input Device (UI) 206 and configured to cause search result related to UI 206 to be displayed on TV Display 100 of STB 102 "interactive media services client device," (col. 3, lines 37-49); note that upon a user request via UI 206, an Overlay 200 is displayed (fig. 2 and col. 2, lines 59-64) and C 108 is configured to perform a

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search format based on the user search criteria, such as: MOVIES, SPORTS, ACTORS, etc., received via Overlay 200 or Overlay 300 (col. 3, lines 8-11) and displays the search result on a new Overlay 400, where the search is performed locally if the current PG-Data is maintained at the STB 102 or communicated via a communication medium, and directly accessed at the Cable Company's PG-Database Server.

Claim 33 is met as previously discussed with respect to claim 4.

Claim 34 is met as previously discussed with respect to claim 5.

Claim 35 is met as previously discussed with respect to claim 6.

Claim 36 is met as previously discussed with respect to claim 7.

Claim 37 is met as previously discussed with respect to claims 8 and 10.

As to claim 39, note the **Dodson et al** reference figures 1 and 3, disclose system and method for interactively accessing program information on a television and further disclose method for providing media services to a user via an interactive media services client device (Set-Top Box, STB 102) couple via Internet Interface 106 to a programmable video services server device (Program Guide Database Server at Cable Company, col. 3, lines 13-19), the method comprising:

the claimed "receiving user input" is met by Set-Top Box (STB) 102 (fig. 1 and col. 2, lines 47-58), which includes a Receiver 112 for receiving User input via Input Device (UI) 206; and where Controller (C) (Col. 2, lines 55-58) searches stored Program Guide (PG) "media information" in Memory 110 (col. 3, lines 17-22), or communicates via Internet Interface 106 to PG-Database at

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the Cable Company (col. 3, lines 13-19), to search for information related to the UI 206 and provides the user with the search result related to UI 206, which is displayed on TV Display 100 (Col. 3, lines 37-49); note that upon a user request via UI 206, an Overlay 200 is displayed (fig.2 and Col. 2, lines 59-64) and C 108 is configured to perform a search format based on the user search criteria, such as: MOVIES, SPORTS, ACTORS, etc., received via Overlay 200 or Overlay 300 (col. 3, lines 8-11), and display the search result on a new Overlay 400; furthermore UI 206 can be communicated via Internet Interface 106 and processed at the PG-Database at the Cable Company (col. 3, lines 13-19).

Claim 42 is met as previously discussed with respect to claim 4.

Claim 43 is met as previously discussed with respect to claim 5.

Claim 44 is met as previously discussed with respect to claim 6.

Claim 45 is met as previously discussed with respect to claim 7.

Claim 46 is met as previously discussed with respect to claim 8.

Claim 47 is met as previously discussed with respect to claim 10.

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As to claim 48, note the **Dodson et al** reference figures 1 and 3, disclose system and method for interactively accessing program information on a television and further disclose an interactive media services client device (Set-Top Box, STB 102) for enabling a user to search for media information, the client device coupled to a programmable media services server device (Program Guide Database Server at Cable Company, col. 3, lines 13-19) and comprising:

the claimed "searching logic configured to search through media data using a search criterion identified via user input..." is met by Controller (C) 108

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(Col. 2, lines 55-58 and col. 3, lines 13-19), which includes a software program "searching logic" to search through Program Guide (PG) Data "media data" containing information about media presentations, store in Memory 110 or remotely at Cable Company in PG-Database Server, and using a search criterion, such as MOVIES, ACTORS, etc., (col. 2, lines 59-64) identified via User Input (UI) 206, a search result that meets MOVIES, ACTORS, etc., is displayed on TV Display 100 (Col. 3, lines 37-49); note that the television program may be available on demand (col. 3, lines 29-32); note that upon a user request via UI 206, an Overlay 200 is displayed (fig.2 and Col. 2, lines 59-64) and C 108 is configured to perform a search format based on MOVIES, SPORTS, ACTORS, etc., received via Overlay 200 or Overlay 300 (col. 3, lines 8-11), and display the search result on a new Overlay 400; furthermore UI 206 can be communicated via Internet Interface 106 and processed at the PG-Database at the Cable Company.

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As to claim 49, Dodson further discloses where the search result includes information about a media presentation that is available on demand and that is also, scheduled to be broadcast at a pre-determined time (col. 3, lines 17-49).

As to claim 50, Dodson further discloses where the media presentation that scheduled to be broadcast at a pre-determined time is a television program that is available for free and a pay-per-view presentation that is available in exchange for a fee (col. 3, lines 17-49).

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As to claim 51, Dodson further discloses where the search results, includes information about MOVIES, SPORTS, etc., stored in Memory 110 (col. 3, lines 41-67 and col. 4, lines 52-65).

As to claim 52, Dodson further discloses where the search result meets a plurality of search criteria, such as, MOVIES, ACTORS, SPORTS, etc., identified by the user (col. 3, lines 41-56).

As to claim 53, Dodson further discloses where the type of search criterion is from: text string, media category, time, date, etc., (col. 3, lines 9-40).

As to claim 54, Dodson further discloses where the search criterion is a text string (col. 3, lines 9-40).

As to claim 56, Dodson further discloses where the user is presented with a suggestion regarding an alternative text string that may be used as a search criterion (col. 4, lines 47-59).

As to claim 59, note the **Dodson et al** reference figures 1 and 3, disclose system and method for interactively accessing program information on a

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television and further disclose a programmable media services server device (Program Guide Database Server at Cable Company, col. 3, lines 13-19) for enabling a user to search for media information via an interactive media services client device (Set-Top Box, STB 102), the server comprising:

the claimed "searching logic configured to search through media data using a search criterion identified via user input..." is inherently to Program Guide Database Server (PG-Data-Server) at Cable Company (col. 3, lines 12-28), which includes a Controller for identifying user search criterion such as MOVIES,

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ACTORS, etc., via User Input (UI) 206 and searching the PG-Data for television programs "media presentations" that are currently being broadcast "available on demand" and televisions programs that are scheduled to be broadcast at pre-determined times (col. 3, lines 29-32) and to cause a search result that meets the MOVIES, ACTORS, etc., to be transmitted to STB 102 "client device," note that upon a user request via UI 206, an Overlay 200 is displayed (fig.2 and Col. 2, lines 59-64) and C 108 is configured to perform a search format based on , such as: MOVIES, SPORTS, ACTORS, etc., received via Overlay 200 or Overlay 300 (col. 3, lines 8-11) and displays the search result on a new Overlay 400; furthermore UI 206 can be communicated via Internet Interface 106 and processed at the PG-Database at the Cable Company.

Claim 60 is met as previously discussed with respect to claim 49.

Claim 61 is met as previously discussed with respect to claim 50.

Claim 62 is met as previously discussed with respect to claim 51.

Claim 63 is met as previously discussed with respect to claim 52.

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Claim 64 is met as previously discussed with respect to claim 53.

Claim 65 is met as previously discussed with respect to claim 54.

Claim 67 is met as previously discussed with respect to claim 56.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3, 12-13, 22-23, 31-32, 40-41, 57-58 and 68-69, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dodson et al (6,184,877)** as applied to claims 1, 11, 21, 30, 39, 48 and 59 above, and in view of **Legall et al (6,005,656)**.

As to claim 2 and 3, **Dodson** further discloses a search result including regular television programs "purchasable and free media presentations," such as: SPORTS, MOVIES, SPORTS, regular television programs, etc., and search for particular information related to television programs currently being watched or a program to be watched in future (col. 3, lines 29-56), but fails to explicitly teach where the search result includes information about purchasable and free media presentations.

However, note the **Legall** reference figures 2 and 3B, discloses an integrated search of electronic program guide, internet and other information resources, where a search results includes information about purchasable television programs, such as program cost, etc., (col. 3, line 35-46 and line 57-col. 4, line 15).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Legall into the system of Dodson to include information about cost of television programs with the search result, to inform the user purchasable and free television programs and enable the user be aware of the conditions binding each television program.

Claims 12-13, 22-23, 31-32 and 40-41, are met as previously discussed with respect to claims 2-3.

As to claims 57 and 58, Dodson fails to explicitly teach where the search result includes an icon that describes a characteristics of a media presentation identified by the search result and where the characteristic is from a group consisting of: video quality, audio quality and trick mode availability

However, Legall discloses icon(s) that describes characteristics of media presentation identified by the search result, which includes video and trick mode availability (fig. 3B and col. 4, line 49-col. 5, line 21).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Legall into the system Dodson to provide icon(s) to provide icons, which includes trick mode availability, video, etc., to describe the characteristics of the media presentation to enhance the display with additional information to enable the user to easily identify and select desired television programs.

Claims 68-69 are met as previously discussed with respect to claims 57-58

5. Claims 55 and 66, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dodson et al (6,184,877)** as applied to claims 54 and 65 above, and in view of **Berstis (6,708,311)**.

As to claim 55, **Dodson** fails to explicitly teach where the STB 102 includes a spell check on the text string.

However, note **Berstis** reference figures 1 and 2, disclose method and apparatus for creating a glossary of terms and further discloses Web-based television set top box(es) 100 (fig. 1 and col. 2, line 64-col. 3, line 17) which reads a user input to a search term and checks the spelling of words (col. 6, lines 39-56).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of **Berstis** into the system of **Dodson** to check for miss spelt text strings and correct miss spelt words to enable retrieving of appropriate text strings that matches the PG-data.

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Claim 66 is met as previously discussed with respect to claim 55.

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6. Claim 70 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Dodson et al (6,184,877)** as applied to claim 59 above, and in view of **Ottesen et al (5,930,493)**.

As to claim 70, **Dodson** fails to explicitly teach where the PG-Data at the Cable Company is stored on plurality of memory devices.

However, **Ottesen** discloses a multimedia server (MS) system and method for communicating multimedia programming, where MS 40 includes a

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plurality of storage devices 41n (fig. 4, col. 5, line 60-col. 6, line 11 and col. 10, lines 10-44).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Ottesen into the system of Dodson to provide a plurality of storage devices, share the load accordingly over the plurality of storage devices, and for easy processing and retrieval of requested data.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Knudson et al (6,564,379) disclose program guide system with flip and browse and advertisement.

Combs et al (6,564,383) disclose method and system for interactively capturing organizing and presenting information generated from television programs to viewers.

Hendricks et al (6,515,680) disclose set top terminal for television delivery system.

Boyer et al (6,268,849) disclose Internet television program guide system with embedded real-time data.

Schein et al (6,133,909) disclose method and apparatus for searching a guide using program characteristics.

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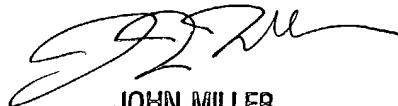
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q Shang** whose telephone number is **703-305-2156**. The examiner can normally be reached on **700am-500pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John W Miller** can be reached on **703-305-4795**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**.



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